

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL FRANCIS FIRST RAISED,

Defendant.

CR 23-18-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant DANIEL FRANCIS FIRST RAISED (First Raised) has been accused of violating the conditions of his supervised release. (Docs. 87 and 90) First Raised admitted the violations. First Raised's supervised release should be revoked. First Raised should be sentenced to custody until February 28, 2025, with 45 months of supervised release to follow. During the first 60 days of First Raised supervised release, he shall be placed at a secure substance abuse treatment facility, such as Connections Corrections.

II. Status

On August 21, 2023, First Raised plead guilty to the offense of Possession with Intent to Distribute Controlled Substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B) as charged in Count 2 of the Indictment. (Doc. 61) First Raised was sentenced to 18 months of custody, followed by 4 years of supervised release. (Doc. 82) First Raised's current term of supervised release began on July 22, 2024.

Petition

On December 3, 2024, the United States Probation Office filed a Petition requesting that the Court revoke First Raised's supervised release. (Doc. 87) The Petition alleged First Raised violated the conditions of his supervised release by: (1) failing to comply with substance abuse testing requirements on November 21, 2024; (2) failing to check in with his probation officer as instructed on November 26, 2024; (3) failing to be at home for a home visit as instructed by his probation officer on November 26, 2024; (4) failing to report for substance abuse testing as instructed on November 30, 2024; (5) during October 2024, failing to report to his probation officer of a change in his employment within 72 hours; and

(6) during November 2024, failing to report a change in his residence within 72 hours, with his whereabouts unknown as of November 26, 2024.

Amended Petition

On December 9, 2024, the United States Probation Office filed an Amended Petition requesting that the Court revoke First Raised's supervised release. (Doc. 90) The Amended Petition alleged First Raised violated the conditions of his supervised release by the added violations of: (7) failing to comply with substance abuse testing on October 30, 2024; (8) failing to comply with substance abuse testing on November 24, 2024; (9) failing to report for substance abuse testing on December 4, 2024; (10) using methamphetamine and fentanyl on December 5, 2024; and (11) being in possession of fentanyl on December 6, 2024.

Initial Appearance

First Raised appeared before the Court on December 17, 2024. First Raised was represented by counsel. First Raised stated that he had read the Amended Petition and that he understood the allegations against him. First Raised waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

First Raised appeared before the Court on December 17, 2024. First Raised admitted that he had violated the conditions of supervised release as set forth in the Petition by: 1) failing to comply with substance abuse testing requirements on November 21, 2024; (2) failing to check in with his probation officer as instructed

on November 26, 2024; (3) failing to be at home for a home visit as instructed by his probation officer on November 26, 2024; (4) failing to report for substance abuse testing as instructed on November 30, 2024; (5) during October 2024, failing to report to his probation officer of a change in his employment within 72 hours; (6) during November 2024, failing to report a change in his residence within 72 hours, with his whereabouts unknown as of November 26, 2024; (7) failing to comply with substance abuse testing on October 30, 2024; (8) failing to comply with substance abuse testing on November 24, 2024; (9) failing to report for substance abuse testing on December 4, 2024; (10) using methamphetamine and fentanyl on December 5, 2024; and (11) being in possession of fentanyl on December 6, 2024. First Raised's violations are serious and warrant revocation of his supervised release.

Sentencing hearing

First Raised appeared before the Court on December 17, 2024. First Raised's violations are Grade C. His criminal history category is I. First Raised's underlying offense is a Class B felony. First Raised could be incarcerated for up to 36 months. First Raised could be ordered to remain on supervised release for up to 48 months less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

First Raised's supervised release should be revoked. First Raised should be sentenced to custody until February 28, 2025, with 45 months of supervised release to follow. During the first 60 days of First Raised supervised release he shall be placed at a secure substance abuse treatment facility, such as Connections Corrections.

IV. Conclusion

The Court informed First Raised that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed First Raised of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to First Raised that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. First Raised stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That DANIEL FRANCIS FIRST RAISED has violated the conditions of his supervised release by: 1) failing to comply with substance abuse testing requirements on November 21, 2024; (2) failing to check in with his probation officer as instructed on November 26, 2024; (3) failing to be at home for a home visit as instructed by his probation officer on November 26, 2024; (4) failing to report for substance abuse testing as

instructed on November 30, 2024; (5) during October 2024, failing to report to his probation officer of a change in his employment within 72 hours; (6) during November 2024, failing to report a change in his residence within 72 hours, with his whereabouts unknown as of November 26, 2024 (7) failing to comply with substance abuse testing on October 30, 2024; (8) failing to comply with substance abuse testing on November 24, 2024; (9) failing to report for substance abuse testing on December 4, 2024; (10) using methamphetamine and fentanyl on December 5, 2024; and (11) being in possession of fentanyl on December 6, 2024.

The Court **RECOMMENDS:**

That the District Court revoke First Raised's supervised release and sentence First Raised to custody until February 28, 2025, with 45 months of supervised release to follow. During the first 60 days of supervised release, First Raised shall be placed at a secure substance abuse treatment facility, such as Connections Corrections.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the

district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 19th day of December 2024.



John Johnston
United States Magistrate Judge